

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ALEX D. TABOR,

Plaintiff,

-v-

6:22-CV-348

POLICE OFFICER BAYE,
Utica, New York Police,

Defendant.

APPEARANCES:

OF COUNSEL:

ALEX D. TABOR
Plaintiff, Pro Se
553 Bleeker Street
Utica, NY 13501

DAVID N. HURD
United States District Judge

ORDER ON REPORT & RECOMMENDATION

On April 13, 2022, *pro se* plaintiff Alex Tabor (“plaintiff”) filed this 42 U.S.C. § 1983 action alleging that defendant Police Officer Baye violated his civil rights. Dkt. No. 1. Along with his complaint, plaintiff sought leave to proceed *in forma pauperis* (“IFP Application”). Dkt. No. 2.

On June 22, 2022, U.S. Magistrate Judge Miroslav Lovric granted plaintiff’s IFP Application and advised by Report & Recommendation (“R&R”)

that plaintiff's complaint be dismissed. Dkt. No. 6. As Judge Lovric explained, even broadly construed plaintiff's complaint was "largely indecipherable and devoid of factual assertions" and replete with "legal jargon that form[s] incomplete sentences." *Id.*

Although Judge Lovric expressed some skepticism about whether better pleading might lead to any cognizable claims, in light of plaintiff's *pro se* status he nevertheless recommended that plaintiff be given an opportunity to amend the complaint in accordance with Rule 8 of the Federal Rules of Civil Procedure. Dkt. No. 6.

On July 13, 2022, this Court adopted Judge Lovric's R&R and dismissed plaintiff's complaint with leave to amend. Dkt. No. 7. Thereafter, plaintiff filed an amended complaint. Dkt. No. 8. Plaintiff's amended pleading alleges that defendant violated his civil rights by, *inter alia*, refusing to allow him to re-enter a local hospital to obtain some missing personal property. *Id.*

On October 25, 2022, Judge Lovric advised by R&R that plaintiff's amended complaint be dismissed without leave to amend. Dkt. No. 9. As Judge Lovric explained, plaintiff had again failed to allege any facts that plausibly suggested any cognizable claims. *Id.* In so doing, Judge Lovric also concluded that further amendment based on the existing universe of facts would be futile. *Id.*

Plaintiff has not filed objections, and the time period in which to do so has expired. *See* Dkt. No. 9. Upon review for clear error, the R&R will be accepted and adopted in all respects. *See* FED. R. CIV. P. 72(b).

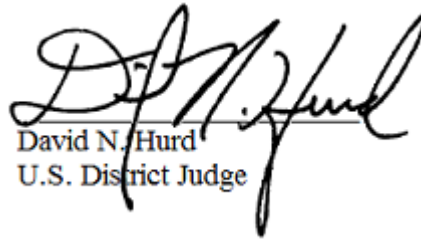
Therefore, it is

ORDERED that

1. The Report & Recommendation is ACCEPTED; and
2. Plaintiff's amended complaint is DISMISSED without leave to amend.

The Clerk of the Court is directed to terminate the pending motion, enter a judgment accordingly, and close the file.

IT IS SO ORDERED.



David N. Hurd
U.S. District Judge

Dated: November 15, 2022
Utica, New York.